



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, FRIDAY, NOVEMBER 6, 2020

(KARTIKA 15, 1942 SAKA)

LEGISLATIVE SUPPLEMENT

	Contents	Pages
Part - I	Acts	
	The Punjab Tissue Culture Based Seed Potato Act, 2020. (Punjab Act No. 18 of 2020)	157--172
Part - II	Ordinances	
	<i>Nil</i>	
Part - III	Delegated Legislation	
	Notification No. G.S.R. 92/C.A.61/1986/S. 18/Amd./2020, dated the 15th October, 2020, containing the draft rules, namely the Punjab Child Labour (Prohibition and Regulation) Amendment Rules, 2020.	.. 593--600
Part - IV	Correction Slips, Republications and Replacements	
	<i>Nil</i>	

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION

The 6th November, 2020

No.21-Leg./2020.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 30th day of October, 2020, is hereby published for general information:-

THE PUNJAB TISSUE CULTURE BASED SEED POTATO BILL, 2020
(Punjab Act No. 18 of 2020)

AN

ACT

to provide for regulating the quality of potato seeds produced through tissue culture plants in aeroponics or nethouse and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India, as follows:-

1. (1) This Act may be called the Punjab Tissue Culture Based Seed Potato Act, 2020.
(2) It shall extend to the whole of the State of Punjab.
(3) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In this Act, unless the context otherwise requires,-
 - (a) "Agriculture" includes horticulture;
 - (b) "Appellate Authority" means Director, Department of Horticulture, Punjab;
 - (c) "certification agency" means the Punjab State Seed Certification Authority or any other such agency as may be notified by the State Government;
 - (d) "Committee" means the Tissue Culture Based Seed Potato Committee constituted under section 3 of this Act;
 - (e) "Licensing Authority" means the Department of Horticulture, Punjab which shall issue the license for seed potato production through

Short title, extent
and commence-
ment.

Definitions.

tissue culture based aeroponics or nethouse facility in the State of Punjab;

- (f) “notified variety”, in relation to seed potato, means a variety thereof notified under section 5 of the Seeds Act, 1966;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) "Schedule" means the Schedule appended to this Act;
- (i) “seed potato” means potato minitubers or tubers raised through tissue culture based aeroponics or nethouse technology and its successive field generations used for sowing or planting;
- (j) "seed potato grower" means the Farmer Producer Organisation (FPOs) or Society or group of farmers or seed producing company or individual grower;
- (k) 'State Government' means the Government of the State of Punjab in the Department of Agriculture and Farmer Welfare;
- (l) “State Seed Laboratory”, means the State Seed Laboratory established under sub-section (2) of section 4 of the Seeds Act, 1966 or any other laboratory notified as such by the State Government; and
- (m) "variety" means a sub-division or grouping of plants within the cultivated potato identifiable by growth, yield, plant, fruit, seed or other characteristics.

Tissue Culture
Based Seed
Potato
Committee.

3. (1) The State Government shall, as soon as may be after the commencement of this Act, constitute a Committee to be called the Tissue Culture Based Seed Potato Committee to advise the State Government on matters arising out of the administration of this Act and matters related thereto and to carry out such other functions as may be assigned to it by the Government.

(2) The Committee constituted under sub-section (1) may appoint one or more Sub-Committees consisting wholly of members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such Sub-Committee or Sub-Committees by the Committee.

4. The specified minimum seed certification standards shall be as per the Schedule appended to this Act. Minimum seed certification standards.
5. The Punjab State Seed Certification Authority established under Section 8 of the Seeds Act, 1966 or any other agency, as may be notified by the State Government shall be the certification agency for certification and traceability for such other purposes. Certification agency .
6. (1) Any seed potato grower involved in the production, multiplication of tissue culture based seed potato, if he desires to have such seed certified by the certification agency, may apply to the certification agency for the grant of a certificate for the purpose. Grant of certificate by certification agency.
- (2) Every application under sub-section (1) shall be made in such form, and shall contain such particulars and shall be accompanied by such fees, as may be prescribed.
- (3) On receipt of any such application for the grant of a certificate, the certification agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the minimum seed certification standards specified for that seed under section 4 of this Act, grant a certificate in such form and subject to such conditions, as may be prescribed.
- (4) The certification agency shall ensure full traceability of each certified class of seed and that the material being initiated for producing mini-tubers is of notified variety and confirmed identity, including all documentation with respect to its origin.
7. If the certification agency is satisfied, either on a reference made to it in this behalf or otherwise, that,- Revocation of certificate.
- (a) the certificate granted by it under section 6 has been obtained by misrepresentation as to an essential fact; or
- (b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules made there under, then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the certification agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate.

Appeal.

8. (1) Any person aggrieved by a decision of a certification agency under section 6 or section 7, may, within thirty days from the date on which the decision is communicated to him and on payment of such fees, as may be prescribed, prefer an appeal to Appellate Authority:

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by a sufficient cause from presenting the appeal within the said period of thirty days.

(2) On receipt of an appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard, pass such order as it thinks fit.

(3) Every order of the Appellate Authority under this section, shall be final.

Review of order.

9. The Additional Chief Secretary (Development) may, *suo moto* or on the application of the person to a reference, call for and examine the record of any proceedings in which no appeal under section 8 of this Act lies before the Appellant Authority, as the case may be, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed and if in any case appears to the Additional Chief Secretary (Development) that any such decision or order should be modified, annulled or revised, the Additional Chief Secretary (Development), as the case may be, may, after giving persons affected thereby an opportunity of being heard, pass such order thereon, as he may deem fit.

Penalty.

10. (1) If any seed potato grower contravenes any of the provisions of this Act or any rule made there under, he shall be liable,-

- (a) to pay for the first offence with fine which may extend to fifty thousand rupees, and
- (b) in the event of such person having been previously convicted of an offence under this section, to undergo imprisonment for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both.

(2) The Sub-Committee constituted under sub-section (2) of section 3 of this Act shall recommend the licensing authority to cancel the license and

blacklist the person restricting him for dealing with any kind of seed production for a minimum period of three years.

11. When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made there under, the seed in respect of which the contravention has been committed shall be forfeited and destroyed.

Forfeiture of seed.

12. No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the State Government for anything which is done in good faith or intended to be done in good faith under this Act or the rules made thereunder.

Protection of action taken in good faith.

13. (1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide, for all or any of the following matters, namely:-

- (a) the functions of the committee referred in section 3 of this Act; and
- (b) any other matter, which is to be or may be prescribed, under this Act.

(3) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the house of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which, it is so laid or the successive sessions as aforesaid, the house agrees in making any modification in the rules or the house agrees that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

14. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as appears to

Power to remove difficulties.

the Government to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made under this section, after the expiry of a period of three years from the date of commencement of this Act.

SCHEDULE

(see section 4)

DRAFT OF MINIMUM SEED CERTIFICATION STANDARDS FOR TISSUE CULTURE BASED SEED POTATO

I. Application and Amplification of General Seed Standards for tissue culture based potato seed

- (a) The general seed standards are applicable to tissue culture raised mini-tubers (G-0) multiplied through aeroponics or nethouse conditions and further multiplied in the field for four generations (G1-G4) as shown below:

Stages of 'Tissue Culture Based Potato Production System'

Mother Plant	
Multiplication through Tissue Culture (8-12) Cuttings/Subculture)	
G0 Aeroponics	G0 Net House
G1 Open Field	G1 Open Field
G2 Open Field	G2 Open Field
G3 Open Field	G3 Open Field
G4 Open Field	G4 Open Field

I. Eligibility requirements for tissue culture based mini-tubers (G-0)

The mini-tubers to be eligible for certification shall be from a source meeting the following standards aeroponics or nethouse facilities.

- (i) Laboratory and aeroponics or nethouse facilities used for production of plantlets/micro-tubers or mini-tubers shall be maintained free of potato pests or vectors of potato pathogens. Failure to keep such pests under control may cause rejection of all lots maintained in the facility. All potting or growth media shall be sterile. Water to be

used in a laboratory or aeroponics or nethouse operation should be free from impurities.

- (ii) Hygienic conditions like maintenance of air purity, sub culturing under laminar flow only, use of pure tissue grade chemicals for media preparation, proper autoclaving of cultured media, proper disposal of contamination etc. shall be strictly observed during micro propagation, potting, planting, irrigating, movement and use of equipment and other laboratory practices to guard against the spread of diseases or pests in the facilities used for seed multiplication.
- (iii) All micro propagation and aeroponics or nethouse facilities must be approved by authorised State or Central Govt agency, as per the standard/guidelines. These facilities must have a changing area between the double doors.
- (iv) The aeroponics facility used for mini-tuber production from micro-plants shall be approved by Central Potato research Institute, Shimla
- (v) The net house must be "insect proof" and be equipped with a double-door entrance, provision for footwear disinfection prior to entering the net house and insect proof ventilation screening on intakes and exhaust openings. The persons entering the aeroponics or nethouse facility should use Wellington boots (Plastic boots) and change lab-coat in the changing area to reduce the chances of inadvertent introduction of vector insects clinging to clothes.
- (vi) The material being initiated for producing mini-tubers must be of Notified variety and confirmed identity. It must be duly documented with respect to origin.
- (vii) The plants of a potato varieties being initiated for tissue culture should be tested in an accredited laboratory for freedom from the following PVA (Potato Virus A), PVS (Potato Virus S), PVM (Potato Virus M), PVY (Potato Virus Y), PVX (Potato Virus X), PLRV (Potato Leaf Roll Virus), PALCV (Potato Apical Leaf Curl Virus), GBNV (Groundnut Bud Necrosis Virus), PSTVd (Potato Spindle Tuber Viroid) entophytic and Phytoplasma or epiphytic bacteria and fungi. Tests must be carried on a minimum of ten plantlets of each variety selected at random. For virus testing ELISA or an equivalent

method should be used, for viroid RT-PCR should be used, and for fungi and bacteria light microscopy and culturing on media should be used.

2. Sources of seed

- (i) The tissue culture facility should use recognized aseptic initiation and propagation procedures (i.e. follow procedures and use equipment, which will maintain sterile conditions as per standard tissue culture norms).
- (ii) The initiating facility must maintain following information on each variety for review and audit by the competent authority once in a year: variety identification, date of initiation, origin and testing results from accredited laboratory.
- (iii) Tests must be carried out on a minimum of ten plantlets (lot size as per SOP of Department of Biotechnology, GOI) selected at random, for each variety by an accredited laboratory. No plant should contain PVA, PVS, PVM, PVY, PVX, PLRV, PALCV, GBNV, phytoplasma, PSTVd and other endophytic or epiphytic bacteria and fungi.
- (iv) Valid pathogen testing results are required prior to the initiation of micro tuber production cycle or planting of test tube plantlets in the aeroponics or nethouse facility.
- (v) Mini-tubers/micro-tubers shall be produced and multiplied from approved source in vitro plants as per the requirements.
- (vi) Aeroponics or nethouse produced mini-tubers must be certified as G0 by the Punjab State Seed Certification Authority.
- (vii) G0 shall be used for further production of G1 to G4 certified classes of seed as prescribed in proposed seed standards. The certificates shall be issued by the Punjab State Seed Certification Authority.

II. Aeroponics or nethouse Environment Requirements

- (a) All micro propagation and aeroponics or nethouse facilities must meet the standards given above under eligibility requirements.

- (b) The soil used for mini-tuber production should not be infested with pathogen and pests of potato, particularly the following:
- wart (*Synchytrium endobioticum* (Schilb.) Perc.) and or cyst forming nematodes;
 - brown rot (*Ralstonia solanacearum* (E.F. Sm.) E.F. Sm.) or non-cyst forming nematodes within the previous three years;
 - common scab (*Streptomyces scabies* (Thaxt.) Waks. & Henrici).
 - Black scurf (*Rhizoctonia Solani* Kuehn).
- (c) The nutrient medium used for aeroponics shall be prepared in clean water free from all potato pathogens.

III. Inspection of Aeroponics or nethouse facility used for production of mini-tubers (G-0).

- a. The seed potato grower must notify the competent authority of his production plans 30 days prior to the recommended planting date.
- b. The crop must be grown from approved basic source *in vitro* plants which were produced, in an aseptic environment.
- c. The tissue plantlets in the aeroponics or nethouse facility will be planted at 15x15cm and 30x15 cm, respectively.
- d. A minimum of three inspections shall be made as follows:
 - i. The first inspection shall be made at 30-35days to verify growing conditions, extent of disease infection and off types;
 - ii. The second inspections shall be made at 60-65 days after planting to verify off types, disease infection if any and pathogen testing, on a representative sample, comprising of 1% of the plants with a minimum of 5 and a maximum of 25 plants sampled for each variety;
 - iii. The third inspection shall be made immediately after haulms cutting/ destruction in the net house crop in order to verify that haulms have been cut/destroyed by the prescribed date and proper manner.
 - iv. In case the crop is grown under aeroponics, third inspection can be after the crop has been finally terminated.

- v. Effective sanitation practices including insect and disease monitoring and prevention must be adhered to.
- vi. The aeroponics or nethouse must be free from all potato and solanaceous plant debris before planting.
- vii. No field-produced seed potatoes (including pathogen tested clonal selections), non-seed potatoes, nor any other solanaceous species of plants can be grown in the net house while used to produce minitubers.
- viii. Varieties must be separated by appropriate partitioning of net house to prevent varietal mixture.
- ix. If testing performed by an accredited laboratory reveals the presence of banned virus (es), fungus or bacteria, all the crops in the net house will be ineligible for multiplication and the entire material will be destroyed.
- x. In the eventuality of detection of insect (particularly aphids, thrips and white flies) vectors (for which yellow sticky traps should be put at least at three places in the net house) by competent Authority, the grower must provide post harvest test results to this authority. A representative sample, representing each variety grown in the net house must be post harvest tested and if the results are negative for PVA, PVS, PVM, PVY, PVX, PLRV, GBNV, phytoplasma, and PALCV, the crop will be assigned G0 status or otherwise rejected.

IV. Land Requirements

A crop of seed potato (G1-G4) shall not be eligible for certification if grown on land infested with:

- (a) Wart (*Synchytrium endobioticum* (Schilb.) Perc. And or cyst forming nematodes;
- (b) Brown rot (*Ralstonia solanacearum* (E.F. Sm.) E.F. Sm.) Or non-cyst forming nematodes within the previous three years;
- (c) Common scab (*Streptomyces scabies* (Thaxt.) Waks. & Henrici).
- (d) Crop rotation schedule as per seed plot technique.

V. Field Inspection

A minimum of four inspections shall be made as follows:

- (a) the first inspection shall be made about 30-35 days after planting the mini-tubers to verify isolation, offtypes and the extent of disease infection with specific reference to mild and severe mosaics, leaf roll, PACLV, GBNV, phytoplasma, brown rot late blight and other relevant factors;
- (b) the second inspection shall be made about 60-65 days after planting the mini-tubers to check isolation, off types and extent of disease infection with specific reference to mild and severe mosaics, leaf roll, yellow, brown rot and other relevant factors;
- (c) the third inspection shall be made immediately after haulms cutting/destruction in order to verify that haulms have been cut/destroyed by the prescribed date and in proper manner;
- (d) the fourth inspection shall be made about 10 days after haulms cutting/destruction and before harvesting in order to verify that no re-growth of haulms has taken place.

VI. Seed Standards

A. Standards for mini-tuber (G-0) production in the aeroponics/nethouse facility

(1) General requirements

- (i) **Isolation:** Minimum 1 meter between the different varieties grown in net house, so as to avoid mechanical admixture. In aeroponics facility separate grow boxes shall be used for each variety and two varieties cannot be grown in the same grow box.
- (ii) All micro propagation and aeroponics or nethouse facilities must be approved by competent authority set up by the state Govt., as per the standards given above under eligibility requirements.

(2) Specific requirements

Maximum permissible limits

Factor	Maximum permissible limit
*Off type	0.001%
*Plants showing symptoms of mild mosaic	0.001%
*Plants showing symptoms of severe mosaic, leaf roll, PACLV, GBNV, phytoplasma and apical leaf curl	Nil
**Plants infected with brown rot (<i>Ralstonia solanacearum</i>)	Nil

* At the time of crop termination

**Maximum permitted at final inspection in the net house raised crop

(3) Seed Standards for mini-tuber

Factor	Permissible limit
Weight of minituber (minimum)	1.0 g (minimum)
Germination (minimum)	90% (minimum)
Varietal purity (percent plants)	99% (minimum)
Virus infestation (percent plants)	0.001% (maximum)

B. Field standards for G1 to G4 Crop raised out of Potato Tissue Culture based mini-tuber.

(1) General requirements

Isolation: The fields of seed potato shall be isolated from the contaminants shown in column 1 of the Table below by the distances specified in columns 2-6 of the said Table

Containments	Minimum distance (meters)			
	G1	G2	G3	G4
Fields of other varieties	5	5	5	5
Fields of same variety not conforming to requirement for certification	5	5	5	5

(2) Specific requirements

Factor	Maximum Permissible limits			
	G1	G2	G3	G4
Off types (%) (1st and 2nd inspection)	0%	0%	0.05%	0.05%
Plants showing symptoms of mild mosaic (1st and 2nd inspection)	0%	0%	1.0%	2.0%
Plants showing symptoms of severe mosaic, leaf roll, PACLV, GBNV, phytoplasma (1st and 2nd inspection)	0%	0%	0.5%	0.75%
*Total virus	0%	0%	1.0%	2.0%
Plants infected by brown rot (syn Bacterial wilt) <i>Ralstonia solanacearum</i> (1st and 2nd inspection)	None	None	None	None
**Regrowth of plants after destruction of haulms (4th inspection)	0%	0%	0.5%	0.5%

*Of the two inspections, the higher virus percentage will be considered for the purpose of the specified limits of tolerance.

**Standards for re-growth after destruction of haulms shall be met at fourth inspection to be conducted about 10 days after haulms cutting.

Note:

- (i) All off types and diseased plants should be rouged out along with the tubers and destroyed.
- (ii) Gaps in the seed plot should not be more than 10.0%.
- (iii) Haulms must be destroyed as close to the ground as possible before the date specified by the Certification Agency. Failure to destroy haulms in time shall render the crop liable for rejection.

C. Seed Standards (G1 to G4)

(1) Size and weight Specification

Size	Mean length and two widths at the middle of tuber	Corresponding weight
Seed Size	30-55 mm	25-125 g
Large size	Above 55 mm	Above 125 g

Note:

- (i) The size of tuber will be decided either on the basis of mean of two widths of a tuber at the middle and that of length or on the basis of corresponding weight of tuber.
- (ii) In a seed lot, tubers not conforming to specific size of seed shall not exceed more than 5.0% (by number).
- (iii) The seed material shall be reasonably clean, healthy, firm and shall conform to the characteristics of the variety. The tubers not conforming to the varietal characteristics shall not exceed 0.050% for G1 and G2 class of seed and 0.10% (by number) for G3, G4 and G4 class of seed.
- (iv) Cut, bruised, unshapy, cracked tubers or those damaged by insects, slugs or worms shall not exceed more than 1.0% (by weight).
- (v) Greenish pigmentation on tubers will not be a disqualification for certification.

(2) Maximum tolerance limit of tubers showing visible symptoms caused by the diseases mentioned below will be as follows:

Disease	Maximum Permissible limits (By number)			
	G1	G2	G3	G4
Late blight (<i>Phytophthora infestations</i> (Mont.) de Bary), dry rot (<i>Fusarium caeruleum</i> (Lib.) Sacc.) or Charcoal rot (<i>Macrophomina phaseoli</i> (Tassi) G. Goidanich).	0.1%	0.1%	0.5%	1.0%

Wet rot (<i>Scierotium rolfsii</i>) Sacc.)	None	None	None	None
*Common scab (<i>Streptomyces</i> scabies (Thaxt) Waks. & Henrici)	1.0%	1.0%	2.0%	3.0%
Brown rot (<i>Ralstonia solanacearum</i> (E.F. Sm.) E.F. Sm.)	0.0	0.0	0.0	0.0
**Black scurf (<i>Rhizoctonia solani</i> <i>Kuehn.</i>)	2.0%	3.0%	5.0%	5.0%
Total diseases	3.1%	4.1%	7.5%	9.0%

*Even if a single tuber infected with common scab is detected in a seed lot, the entire seed lot shall be treated with approved chemical before seed lot is declared fit for certification. Seed lots having infected tubers more than the prescribed limits will not be certified even after treatment.

** (i) A tuber carrying 5% or above scuffed surface will be considered as one infected unit.

(ii) Seed lots having black scurf infection more than the prescribed limits (5-10%) could be certified after treatment with approved chemical/fungicide.

(iii) For all diseases, the higher disease percentage will be considered for the purpose of the specified limits of tolerance.

3. Traceability

- (i) Producer of any class of seed must keep written record of the source of seed used for producing next class of seed.
- (ii) At the time of certification, information like name, address, phone number and email of the producing agency shall be clearly mentioned on the seed label.
- (iii) Only certified seed of one class can be used to produce certified seed of next class. This rule shall apply from G0 to G4 to ensure full traceability.
- (iv) The label must have a QR code containing all the information printed on the label.

4. Labelling of Seed G0 to G4

Seed tubers shall be supplied in sealed containers. A cloth-lined label of 12 cm x 6 cm containing following information shall be affixed on the container.

Label Number Crop Potato

Variety Class of Seed

Lot No.

Germination/sprouting (Minimum)

Producing agency (Name, address, phone #, email)

Approving authority Signature and stamp

QR Code



Tag colour: G0 (Grey), G1 (Pink), G2 (Brown), G3 (Orange), G4 (Red)

S.K. AGGARWAL,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF LABOUR
(LABOUR BRANCH)
NOTIFICATION

The 15th October, 2020

No. G.S.R. 92/C.A.61/1986/S.18/Amd./2020.- The following draft of rules, further to amend the Punjab Child Labour (Prohibition and Regulation) Rules, 1997, which the Governor of Punjab proposes to make in exercise of the powers conferred by section 18 of the Child Labour and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986), and all other powers enabling him in this behalf, is hereby published as required under sub-section (1) of the said section, for the information of the persons likely to be affected thereby.

Notice is hereby given that the said draft of rules will be taken into consideration by the State Government after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette together with any objection or suggestion, which may be received by the Additional Chief Secretary to Government of Punjab, Department of Labour, Punjab Civil Secretariat-2, Sector-09, Chandigarh, from any person before the expiry of the period so specified with respect to the said draft, namely:-

DRAFT RULES

1. These rules may be called the Punjab Child Labour (Prohibition and Regulation) Amendment Rules, 2020.
2. In the Punjab Child Labour (Prohibition and Regulation) Rules, 1997 (hereinafter referred to as the said rules), in rule 1, in sub-rule (1), for the words “Child Labour”, the words “Child and Adolescent Labour” shall be substituted.
3. In the said rules, in rule 2,-
 - (i) for clause (a), the following clauses shall be substituted, namely:-
 - ‘(a) “Act” means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Central Act No. 61 of 1986); and
 - (aa) “Committee” means the Technical Advisory Committee constituted under sub-section (1) of section 5 of the Act;
 - (ii) After clause (b), the following clauses shall be inserted, namely:-
 - ‘(ba) “Fund” means the Child and Adolescent Rehabilitation Fund constituted under sub-section (1) of section 14B of the Act;
 - (bb) “Inspector” means the Inspector appointed by the State Government under section 17 of the Act;
 - (bc) “Municipality” means an institution of self-Government constituted under article 243Q of the Constitution; and
 - ‘(bd) “Panchayat” means a Panchayat constituted under article 243B of the Constitution;’;
 - (iii) In clause (d), the word ‘and’ occurring at the end shall be omitted; and
 - (iv) In clause (e), the word ‘and’ shall be added at the end and thereafter, the following clause shall be added, namely:-
 - “(f) words and expressions used in these rules, but not defined therein and defined in the Act, shall have the meanings as assigned to them in the Act. ”.
4. In the said rules, after rule 2, the following rules shall be inserted, namely:-
 - ‘2A. **Awareness on prohibition of employment of child and adolescents in contravention to Act.-**

The State Government, to ensure that the children and adolescents are not employed or permitted to work in any occupation or process in contravention to the provisions of the Act, through appropriate measures, shall, -

- (a) arrange public awareness campaigns using folk and traditional media and mass media including television, radio, internet based application and the print media to make the general public, including the employers and the children and adolescents who may be employed in contravention to the provisions of the Act, aware about the provisions of the Act, and thereby discourage employers or other persons from engaging children and adolescents in any occupation or process in contravention of the provisions of the Act;
- (b) promote reporting of enterprises or instances of employment of children or adolescents in contravention to the provisions of the Act, by developing and advertising easily accessible means of communication to authorities specified by the State Government;
- (c) display to the possible extent the provisions of the Act, these rules and any other information relating thereto in railway coaches, at railway stations, major bus stations, toll plazas, airports and other public places including shopping centers, markets, cinema halls, hotels, hospitals, Panchayat offices, police stations, resident welfare association offices, industrial areas, schools, educational institutions, court complexes, and offices of all authorities authorized under the Act;
- (d) promote through appropriate method the inclusion of the provisions of the Act in learning material and syllabus in school education; and
- (e) promote inclusion of training and sensitization material on the provisions of the Act and responsibilities of the various stakeholders thereto, in State Labour Service, police, judicial and civil service academies, teachers training and refresher courses and arrange sensitization programmes for other relevant stakeholders including, Panchayat members, doctors and concerned officials of the Government.

2B. Child to help his family without affecting education.- (1) Subject to the provisions of section 3, a child may without affecting his school education, in any manner,-

- (a) help his family in his family enterprise, subject to the condition that such help,-
 - (i) shall not be in any hazardous occupation or process listed in Part A and Part B of the Schedule to the Act;
 - (ii) shall not include work or occupation or process at any stage of the manufacturing, production, supply or retail chain that is remunerative for the child or his family or the family enterprise;
 - (iii) shall only be allowed to help in his family, or in a family enterprise, where his family is the occupier;
 - (iv) shall not perform any tasks during school hours and between 7 P.M. and 8 A.M.;
 - (v) shall not be engaged in such tasks of helping which hinders or interferes with the right to education of the child, or his attendance in the school, or which may adversely affect his education including activities which are inseparably associated to complete education such as homework or any extracurricular activities assigned to him by the school;
 - (vi) shall not be engaged in any task continuously without rest which may make him tired and shall be allowed to take rest to refresh his health and mind, and a child shall not help for more than three hours excluding the period of rest in a day;
 - (vii) shall not include in any way substitution of the child for any adult or adolescent while helping his family or family enterprise; and

- (viii) shall not be in contravention to any other law for the time being in force; and
- (b) aid or assist his family in such manner which is not incidental to any occupation, work, profession, manufacture or business, or for any payment or benefit to the child or any other person exercising control over the child, and which is not detrimental to the growth, education and overall development of the child.

Explanation 1.-For the purpose of this rule, only,-

- (a) biological brother and sister of the child;
- (b) brother or sister of the child through lawful adoption by parents of the child; and
- (c) biological brother and sister of parents of the child, shall be included for comprising the family of a child.

Explanation 2.- For the purposes of Explanation 1, it is hereby clarified that preliminarily, any doubt as to whether a person is a biological brother or sister, may be removed by examining the pedigree of such person issued by the concerned Municipality or Panchayat, as the case may be, or any other legal document issued by concerned authority of the appropriate Government.

- (2) Where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then the Principal or Head Master shall report such absence to the concerned nodal officer referred to in clause (i) of sub-rule (1) of rule 12 for information.

2C. Child to work as an artist. (1) Subject to the provisions of section 3, a child may be allowed to work as an artist subject to the following conditions, namely:-

- (a) no child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest;
- (b) any producer of any audio-visual media production or any commercial event involving the participation of a child, shall involve a child in participation only after obtaining the permission from the District Magistrate of the district where the activity is to be performed, and shall furnish to the District Magistrate before starting the activity an undertaking in Form C and the list of child participants consent of parents or guardian, as the case may be, name of the individual from the production or event who shall be responsible for the safety and security of the child, and ensure that all screening of his films and television programmes shall be made with a disclaimer specifying that if any child has been engaged in the shooting, then, all the measures were taken to ensure that there has been no abuse, neglect or exploitation of such child during the entire process of the shooting;
- (c) the undertaking referred to in clause (b) shall be valid for six months and shall clearly state the provisions for education, safety, security and report of child abuse in consonance with the guidelines and protection policies issued by the State Government from time to time for such purpose including :-
 - (i) ensuring facilities for physical and mental health of the child;
 - (ii) timely nutritional diet of the child;
 - (iii) safe, clean shelter with sufficient provisions for daily necessities; and
 - (iv) compliance to all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and against sexual offences;
- (d) appropriate facilities for education of the child to be arranged so as to ensure that there is no discontinuity from his lessons in school and no child shall be allowed to work consecutively for more than twenty-seven days;
- (e) one responsible person be appointed for maximum of five children for the production or event, so as to ensure the protection, care and best interest of the child;

- (f) at least twenty per cent, of the income earned by the child from the production or event to be directly deposited in a fixed deposit account in a nationalized bank in the name of the child which may be credited to the child on attaining majority; and
 - (g) no child shall be made to participate in any audio visual and sports activity including informal entertainment activity against his will and consent.
- (2) For the purposes of clause (c) to the Explanation to sub-section (2) of section 3, the expression “such other activity” contained therein, shall mean,-
- (i) any activity where the child himself is participating in a sport competition or training for such sports competition or event;
 - (ii) cinema and documentary shows on television including reality shows, quiz shows, talent shows; radio and any programme in or any other media;
 - (iii) drama serials;
 - (iv) participation as anchor of a show or events; and
 - (v) any other artistic performances which the State Government permits in individual cases, which shall not include street performance for monetary gains.
5. In the said rules, for rule 3, the following rule shall be substituted, namely:-
- "3. **Hours of work.-** Subject to the provisions of section 7, no adolescent shall be required or permitted to work in an establishment in excess of such number of hours of work as is permissible under the law for the time being in force regulating the hours of work of the adolescent in such establishment."
6. In the said rules, in rule 4, in sub-rule (1), for the word “children”, the word “adolescents” shall be substituted.
7. In the said rules, after rule 4, the following rule shall be inserted, namely:-
- “4A. **Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation fund.** (1) The amount credited, deposited or invested, as the case may be, under sub-section (3) of section 14B to the Child and Adolescent Labour Rehabilitation Fund and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner, namely:-
- (i) the inspector or the nodal officer having jurisdiction shall, under his supervision, ensure that an account of such child or adolescent is opened in a nationalized bank and inform the bank in which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of section 14B;
 - (ii) the interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be transferred every six months to the account of the child or adolescent, as the case may be, by the bank or officer responsible to invest the amount under information to the Inspector;
 - (iii) when the concerned child or adolescent completes the age of eighteen years, then, as soon as may be possible forthwith or within a period of three months, the total amount credited, deposited or invested in favour of the child along with interest accrued thereon remaining in the bank or remaining so invested under sub-section(3) of section of 14B, shall be transferred to the said bank account of child or adolescent, as the case may be; and
 - (iv) the Inspector shall prepare a report of the amount transferred under clauses (ii) and (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the State Government for information.

- (2) Any amount recovered by way of fine or for composition of offences in pursuance of an order or judgment of a Court in favour of a child or adolescent for the contravention of the provisions of the Act, shall also be deposited in the Fund and shall be spent in accordance with such order or judgment.”.
8. In the said rules, for rule 5, the following rule shall be substituted, namely:-
- "5. **Certificate of age.**- (1) Where an Inspector has an apprehension that any adolescent has been employed in any of the occupation or processes in which he is prohibited to be employed under section 3A of the Act, he may require the employer of such adolescent to produce to the Inspector a certificate of age from the appropriate medical authority.
- (2) The appropriate medical authority shall, while examining an adolescent for issuing the certificate of age under sub-rule (1), take into account, –
- (i) the Aadhar card of the adolescent, and in the absence thereof;
 - (ii) the date of birth certificate from school or the matriculation or equivalent certificate from the concerned examination Board of the adolescent, if available, and in the absence thereof;
 - (iii) the birth certificate of the adolescent given by a corporation or a municipal authority or a Panchayat;
- and only in the absence of any of the methods specified in clauses (i) to (iii), the age shall be determined by such medical authority through an ossification test or any other latest medical age determination test.
- (3) The ossification test or any other latest medical age determination test shall be conducted on the order of the appropriate authority of the rank of Additional Labour Commissioner, as may be specified by the State Government in this behalf, and such determination shall be completed within fifteen days from the date of such order.
- (4) The certificate of age referred to in sub-rule (1) shall be issued in Form B.
- (5) The charges payable to the medical authority for the issue of the certificate of age shall be same as specified by the State Government for their Medical Boards.
- (6) The charges payable to the medical authority shall be borne by the employer of the adolescent whose age is determined under this rule.
- Explanation.- For the purposes of this rule,-
- (i) “medical authority” means a Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees’ State Insurance dispensaries or hospitals;
 - (ii) “adolescent” means an adolescent as defined in clause (i) of section 2 of the Act;”.
9. In the said rules, in rule 6, for the word “child”, wherever occurring, the word “adolescent” shall be substituted.
10. In the said rules, in rule 7, for the word “child”, wherever occurring, the word “adolescent” shall be substituted.
11. In the said rules, in rule 8, in sub-rule (3), for the word “child”, the word “adolescent” shall be substituted.
12. In the said rules, in rule 9, for the word “child”, wherever occurring, the word “adolescent” shall be substituted.
13. In the said rules, after rule 9, the following rules shall be added, namely:-
- “10. **Persons who may file complaint.**- Any person who may file a complaint under the Act for commission of any offence include school teachers and representatives from school management committee, child protection committee, Panchayat or Municipality, who shall be sensitized to file complaint, in the

event that any of students in their respective schools is employed in contravention to the provisions of the Act.

11. **Manner of compounding offences.-** (1) An accused person,-

- (i) who commits an offence for the first time under sub-section (3) of section 14; or
- (ii) who being parent or a guardian, commits an offence under the said section,-

may file an application to the District Magistrate having jurisdiction for compounding the offence under sub-section (1) of section 14D.

(2) The District Magistrate shall after hearing the accused person and the Inspector concerned, on an application filed under sub-rule (1), dispose of such application, and if the application is allowed, issue the certificate of compounding subject to, -

- (i) the payment of a sum of fifty percent; of the maximum fine provided for such offence within a period to be specified in such certificate; or
- (ii) the payment of an additional sum of twenty-five per cent; of the maximum fine provided for such offence together with the compounding amount specified under clause (i), if the accused person fails to pay the compounding amount under the said clause within the specified period, and such delayed payment shall be made within a further period as may be specified by the District Magistrate, which shall not exceed the period specified in that clause.

(3) The compounding amount shall be paid by the accused person to the State Government.

(4) If the accused person fails to pay the compounding amount under sub-rule (2), then, the proceeding shall be continued as specified under sub-section (2) of section 14D.

12. **Duties of District Magistrate.-** (1) The District Magistrate shall,-

- (i) specify such officers subordinate to him, as he considers necessary, to be called nodal officers, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the State Government under section 17A;
- (ii) assign such powers and duties, as he thinks appropriate, to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate officer;
- (iii) preside over as Chairperson of the Task Force to be formed in a district consisting of, -
 - (a) Inspector appointed under section 17 for the purposes of his local limits of jurisdiction;
 - (b) Superintendent of Police for the purposes of his local limits of jurisdiction;
 - (c) Additional District Magistrate for the purposes of his local limits of jurisdiction;
 - (d) nodal officer referred to under clause (i) for the purposes of his local limits of jurisdiction;
 - (e) Assistant Labour Commissioner/Labour-cum-Conciliation Officer for the purposes of his local limits of jurisdiction;
 - (f) two representatives each from a voluntary organization involved in rescue and rehabilitation of employed children and/or adolescents in the district on rotation basis for a period of two years;
 - (g) a representative of the District Legal Services Authority to be nominated by the District Judge;
 - (h) a member of the District Anti-trafficking Unit;
 - (i) Chairperson of the Child Welfare Committee of the District;
 - (j) District Child Protection Officer in the District under the Integrated Child Protection Scheme of the Ministry of the Government of India dealing with women and child development;

- (k) District Education Officer;
- (l) any other person nominated by the District Magistrate;
- (m) Secretary of the Task Force shall be any of the nodal officers referred to in clause (i) and nominated by the Chairperson.

(2) The Task Force referred to in clause (iii) of sub-rule (1) shall meet at least once in every month and shall make a comprehensive action plan for conducting the rescue operation, taking into account the time available, point of raid in accordance with the law for the time being in force, confidentiality of the plan, protection of victims and witnesses and the interim relief, in accordance with the guidelines for rescue and repatriation issued by the State Government from time to time; and the Task Force shall also cause to upload the minutes of such meeting on the portal created for such purpose by the State Government.

(3) In addition to the duties referred to in sub-rule (1), the District Magistrate shall ensure through nodal officers that the children and adolescents who are employed in contravention of the provisions of the Act are rescued and shall be rehabilitated,-

- (a) in accordance with the provisions of,-
 - (i) the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act 2 of 2016) and the rules made thereunder;
 - (ii) the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976);
 - (iii) the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016;
 - (iv) any National Child Labour Project;
 - (v) any other law or scheme for the time being in force under which such children or adolescents may be rehabilitated; and subject to,-
 - (I) the directions, if any, of a court of competent jurisdiction;
 - (II) the guidelines for rescue and repatriation issued by the State Government from time to time in this regard.

13. **Duties of Inspectors.-** An Inspector appointed by the State Government under section 17, for the purposes of securing compliance with the provisions of the Act, shall,-

- (i) comply with the norms of inspection issued by the State Government from time to time;
- (ii) comply with the instructions issued by the State Government from time to time for the purposes securing the compliance with the provisions of the Act; and
- (iii) report the State Government quarterly regarding the inspection made by him for the purposes of securing the compliance with the provisions of the Act and the action taken by him for such purposes.

14. **Periodical inspection and monitoring.-** The State Government shall create a system of monitoring and inspection for carrying into effect the provisions of section 17, which may include,-

- (i) the number of periodical inspection to be conducted by the Inspector of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out;
- (ii) the intervals at which an Inspector shall report to the State Government complaints received by him relating to the subject matter of inspection under clause (i) and the details of action taken by him thereafter;
- (iii) maintenance of record electronically or otherwise of,-
 - (a) children and adolescents found to be working in contravention of the provisions of the Act including children who are found to be engaged in family or family enterprises in contravention of the Act;

-
- (b) number and details of the offences compounded;
 - (c) details of compounding amount imposed and recovered; and
 - (d) details of rehabilitation services provided to children and adolescents under the Act.”.

14. In the said rules, in Form ‘A,’ in the heading of column 2, for the words “Name of child”, the words “Name of adolescent” shall be substituted.

15. In Form “B”, under the heading, for the words, figures and brackets “[See Rule 5(3)]”, the words figures and brackets “[See rule 5 (3)]” shall be substituted.

16. In the said rules, after Form ‘B’, the following Form shall be added, namely:-

“FORM ‘C’

[See rule 2C(1)(b)]

Undertaking under rule 2C(1)(b) of the

Punjab Child and Adolescent Labour (Prohibition and Regulation) Rules, 1997

I _____ producer of _____ an audio visual media production or organizer of _____ a commercial event, involving the participation of the following child/children, namely:-

S.No.	Name of the Child/ Children	Parent’s/Guardian’s Name	Address

do hereby undertake that in the course of the involvement of the above mentioned child/children in the event _____ (specify the event), there shall be no violation of any of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988 and full care shall be taken of the physical and mental health, and other requirements of the child/children, so that he/she/they feel no inconvenience. I also undertake that during the event, all laws applicable for the time being in force for the protection of children, including their right to education, care and protection, and legal provisions against sexual offences will be complied.

Name and signature of the producer.”

VIJAY KUMAR JANJUA, IAS,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF PUNJAB,
DEPARTMENT OF LABOUR.